

REMARKS/ARGUMENTS

Claims 1-14 were rejected. The claims have been amended and new claims added as specified above. Reexamination and reconsideration of the claims are respectfully requested.

Claim 2 was rejected under 35 U.S.C. 112 second paragraph.

Claim 2 has been canceled without prejudice in an effort to further prosecution. Therefore, this rejection is now moot in point.

Claims 1-14 were rejected under 35 U.S.C. 102(e) as being anticipated by Dubrow, et al. (5,976, 336). Claims 1-14 were rejected under 35 U.S.C. 102(e) as being anticipated by Chow et al. (5, 989,402)

Claims 1-3, 6, and 8 have been canceled without prejudice in an effort to further prosecution. Therefore, these rejections are now moot in point in regard to these claims.

The remaining claims will now be addressed. As previously mentioned in the last amendment, **claim 4** describes a capillary array electrophoresis plate comprising, among other elements, an array of separation channels. In Dubrow et al. each device 300 is described and illustrated to have a single separation channel (main channel 304 in Fig. 3), rather than an array. Further, claim 4 has been amended to specify that each separation channel is connected with a common anode reservoir. In Chow et al., Fig. 6 illustrates four separate channel networks 604a, 604b, 604c and 604d (col. 17, lines 43-46). Since these channel networks are separate, each separation channel is not connected with a common anode reservoir. Thus, Applicants find no mention of such an array of separation channels connected with a common anode reservoir in either Dubrow et al. or Chow et al. Therefore, Applicants believe **claim 4 and dependent claims 5, 7** are allowable. Claims 5, 7 have been amended simply to clarify the terminology.

Claim 9 describes a method comprising, among other steps, providing a capillary array electrophoresis plate as described in claim 4. Since the plate of claim 4 has been differentiated from Dubrow et al. and Chow et al., **claim 9** is also differentiated and allowable for the same reasons as stated above in relation to claim 4.

As previously mentioned in the last amendment, **claim 10** specifies that the capillary array electrophoresis plate comprises an array of separation channels. In Dubrow et al.

each device 300 is described and illustrated to have a single separation channel (main channel 304 in Fig. 3), rather than an array. Further, claim 10 has been amended to specify that each separation channel is connected with a common anode reservoir. Again, Fig. 6 of Chow et al. illustrates four separate channel networks 604a, 604b, 604c and 604d (col. 17, lines 43-46). Since these channel networks are separate, each separation channel is not connected with a common anode reservoir. Thus, Applicants find no mention of such an array of separation channels connected with a common anode reservoir in either Dubrow et al. or Chow et al. Therefore, Applicants believe **claim 10** to be allowable.

Claim 11 describes a method comprising, among other steps, providing a capillary array electrophoresis plate as described in claim 10. Since the plate of claim 10 has been differentiated from Dubrow et al. and Chow et al., **claim 11 along with dependent claims 12-14** are also differentiated and allowable for the same reasons as stated above in relation to claim 10.

Claims 1-7 and 10 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-2, 4-8, 10-13, 15-17, 19-22, 24, 27, 29, 39 of U.S. Patent No. 6,143,152.

Applicant intends to file a terminal disclaimer when the Examiner indicates that allowable subject matter exists in the application. While it is possible that some original claim language might necessitate a terminal disclaimer, it is also possible that amended claims that are finally accepted may not. Consequently, this rejection cannot be properly assessed until claims are found to be otherwise allowable in the Application.

NEW CLAIMS ADDED

Claims 15-27 have been added. These claims have been added to more fully described the claimed invention. Claims 15-17 depend from claim 9 and are therefore considered allowable for the reasons stated above. Claims 18-27 each include multiplexing of at least one cathode reservoir and/or anode reservoir and/or waste reservoir. Such features are not described in Dubrow et al. or Chow et al. and are considered allowable.

Appl. No. 09/649,272
Amdt. dated June 9, 2003
Reply to Office Action of February 7, 2003

PATENT

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,


Lynn M. Thompson
Reg. No. 47,991

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, 8th Floor
San Francisco, California 94111-3834
Tel: 650-326-2400
Fax: 415-576-0300
LMT:lm
PA 3309720 v1